

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**TRUSTEES OF THE SHEET METAL
WORKERS' LOCAL UNION NO. 33,
AKRON DISTRICT, PENSION FUND,
ET AL.,**

Plaintiffs,

vs.

AIR TECHNOLOGIES, LLC,

Defendant.

CASE NO.: 5:08-cv-02297

Judge John R. Adams

CONSENT JUDGMENT ENTRY

WHEREAS, Plaintiffs, the Trustees of the Sheet Metal Workers' Local Union No. 33, Akron District, Pension Fund, Trustees of the Tri-County BT Health Benefits Fund, Trustees of the Sheet Metal Workers' National Pension Fund, Trustees of the Sheet Metal Workers' National Training Fund, Trustees of the National Energy Management Institute, Trustees of the Sheet Metal Workers' Occupational Health Institute, Trustees of the Sheet Metal Workers' International Scholarship Fund, Trustees of the Sheet Metal Workers' Local Union No. 33 Apprentice Education and Promotion Fund, Trustees of the Sheet Metal Workers' Local Union No. 33 Building Fund, Trustees of the Sheet Metal Workers' Local Union No. 33 Equality Fund, Trustees of the Sheet Metal Workers' Local Union No. 33 Recreation Fund, Trustees of the Sheet Metal Workers' Local Union No. 33 Hardship Fund, Trustees of the Sheet Metal Workers' Local Union No. 33 Orientation Fund, and Trustees of the Sheet Metal Workers' Local Union No. 33 Profit Sharing Annuity Fund (collectively, "Plaintiffs"), commenced the above captioned action against Defendant Air Technologies, LLC on or about September 29, 2008.

WHEREAS, Defendant contends that Plaintiffs incorrectly designated Air Technologies of Wayne County, LLC, as Air Technologies, LLC in Plaintiffs' Complaint.

WHEREAS, the parties recognize this Consent Judgment Entry is effective against Air Technologies of Wayne County, LLC.

WHEREAS, the parties agree that if the owners, officers, or family members of said owners and officers of Air Technologies of Wayne County, LLC operate an entity in the future known as "Air Technologies, LLC" then that entity will be bound by this judgment.

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. Plaintiffs and Defendant waive entry of Findings of Fact and Conclusions of Law under Rule 52 of the Federal Rules of Civil Procedure and consent to this Judgment Entry by the Court.
2. Judgment is entered on behalf of the Plaintiffs and against Air Technologies of Wayne County, LLC in the sum of **\$127,342.13**, representing the following amounts:
 - a. The amount of \$88,831.81 for fringe benefit contributions, \$8,883.18 in liquidated damages, and \$16,377.73 in interest for a total amount of \$114,092.72 for the period of June 2006 through December 2008;
 - b. The amount of \$9,244.41 for Plaintiffs' reasonable attorney's fees and the cost of this action;
 - c. The amount of \$4,005.00 for Plaintiffs' reasonable auditor fees and the cost of the audit.

Interest shall accrue at the rate found in 28 U.S.C. Section 1961 from the date of this judgment.

3. This Court shall retain jurisdiction of the case for purposes of compliance with the ^{J.R.A.}
IT IS SO ORDERED. consent judgment and entry of such further orders as may be necessary or proper to effectuate the purposes of the consent judgment.

ENTERED:

By: John R. Adams
The Honorable Judge John R. Adams

Dated: November 3, 2009

Approved by:

/s/ Amy L. Zawacki

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